

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted in response to the Office Action dated November 25, 2005. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 4, 6-8, 11-13, 15-18, 22-25, 29-32, 35-38, 41-44, 47-49, 53-55, 58-62, 64-68, 70-74, 76-82 are under consideration in this application. Claims 10, 14, 19, 26, 28, 34, 40, 46, 50 and 52 are being cancelled without prejudice or disclaimer. Claims 4, 8, 11-13, 15-18, 32, 38, and 44 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicant's invention. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Formality Rejection

Claims 4, 8, 10-14, 26, 32, 38, 44 and 50 were objected to for informalities, and the Examiner requested correction thereof. Claims 11-14, 32, 38, 44 and 50 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification.

Regarding the claim objections, the claims are being amended as suggested by the Examiner.

Regarding the rejection against claims 11-13, 32, 38, and 44 that the specification fails to disclosed that both the stripe-shaped upper bus electrode and the stripe-shaped spacer electrode are formed out of at least three metal films, Applicants respectfully point out at least the description on page 32, lines 7-18 describes that the film in three layers constitute the upper bus electrode as well as the spacer electrode (*"Next, as shown in Fig. 22A-22C, an interlayer film 15 and a metal film are formed, for example, in a sputtering method or the like. The metal film serves as an upper bus electrode which will be a power feeder to upper electrodes 13 and a spacer electrode on which spacer will be disposed ... For example, ... as the interlayer film 15. In this embodiment, a silicon ... 100 nm. The interlayer film 15 ... each upper bus electrode."*).

Regarding the rejection against 14 and 50, as claims 14 and 50 are being cancelled without prejudice or disclaimer, the rejection thus becomes moot.

As indicated, the claims have been amended as required by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

Allowed Subject Matter

Claims 4, 6-8, 15-19, 22-26, 28-31, 34-37, 40-43, 46-49, 52-55, 58-62, 64-68, 70-74, 76-82 were allowed.

Prior Art Rejection

Claims 10 and 26 were rejected under 35 U.S.C. § 103(a) as being anticipated by Kusunoki et al. (5,936,257) in view of Abe et al. (6,104,136). The prior art reference of Shibata et al. (6,153,973) was cited as being pertinent to the present application.

As claims 10 and 26 are being cancelled without prejudice or disclaimer, the rejection thus becomes moot.

Conclusion

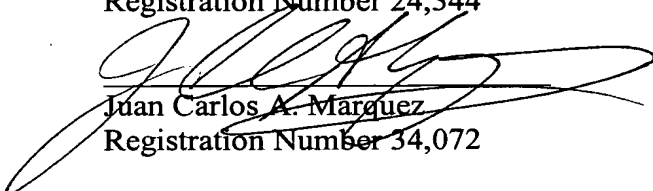
In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely. Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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